

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH) C.A. No. 1:05-CV-11148-PBS
BENEFITS FUND, PIRELLI ARMSTRONG)
RETIREE MEDICAL BENEFITS TRUST;)
TEAMSTERS HEALTH & WELFARE FUND)
OF PHILADELPHIA AND VICINITY;)
PHILADELPHIA FEDERATION OF)
TEACHERS HEALTH AND WELFARE)
FUND; DISTRICT COUNCIL 37, AFSCME -)
HEALTH & SECURITY PLAN; JUNE)
SWAN; BERNARD GORTER, SHELLY)
CAMPBELL and CONSTANCE JORDAN)
Plaintiffs,)
v.)
FIRST DATABANK, INC., a Missouri)
corporation; and McKESSON)
CORPORATION, a Delaware corporation,)
Defendants.)

CLASS PLAINTIFFS' NOTICE OF DENIAL OF RULE 23(f) PETITION

On May 19, 2008, the First Circuit denied McKesson's Rule 23(f) petition. A copy of the First Circuit Order is attached.

Notice to the class can now proceed unless the Court wishes to await the ruling by the U.S. Supreme Court on whether reliance maybe required in a RICO case.

As the Court may recall the parties and the Court discussed possible trial dates in the fall (plaintiffs' proposal) or next year (McKesson's proposal). Given the 23(f) ruling and the Court's indication that there are to be no summary judgment or Daubert motions, plaintiffs believe that a trial in October is feasible.

DATED: May 19, 2008

By /s/ Steve W. Berman

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on May 19, 2008.

/s/ Steve W. Berman

Steve W. Berman

Exhibit A

United States Court of Appeals For the First Circuit

No. 08-8017

NEW ENGLAND CARPENTERS HEALTH BENEFITS FUND, ET AL.,

Plaintiffs, Respondents,

v.

MCKESSON CORPORATION, ET AL.,

Defendants, Petitioners.

Before

Boudin, Chief Judge,
Torruella and Lipez, Circuit Judges.

JUDGMENT

Entered: May 16, 2008

The petition for leave to appeal is denied. We see no indication that the district court applied the wrong legal standard in its March 2008 order. Petitioner's challenge to the court's fact-dominated findings can more appropriately be considered at the close of the case.

The motion to strike petitioner's letter of May 5, 2008, is denied as moot.

By the Court:

/s/ Richard Cushing Donovan, Clerk.

cc:

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